

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TWENTIETH CENTURY FOX FILM
CORPORATION, UNIVERSAL CITY STUDIOS
PRODUCTIONS LLLP, PARAMOUNT PICTURES
CORPORATION, DISNEY ENTERPRISES, INC.,
CBS BROADCASTING INC., AMERICAN
BROADCASTING COMPANIES, INC. and NBC
STUDIOS, INC.,

Plaintiffs/Counterclaim-Defendants,

v.

CABLEVISION SYSTEMS CORPORATION and CSC
HOLDINGS, INC.,

Defendants/Counterclaim-Plaintiffs.

THE CARTOON NETWORK LP, LLLP and CABLE
NEWS NETWORK LP, LLLP,

Plaintiffs/Counterclaim-Defendants,

v.

CSC HOLDINGS, INC. and CABLEVISION
SYSTEMS CORPORATION,

Defendants/Counterclaim-Plaintiffs/
Third-Party Plaintiffs,

v.

TURNER BROADCASTING SYSTEM, INC.,
CABLE NEWS NETWORK LP, LLLP, TURNER
NETWORK SALES, INC., TURNER CLASSIC
MOVIES, L.P., LLLP, TURNER NETWORK
TELEVISION LP, LLLP, and THE CARTOON
NETWORK LP, LLLP,

Third-Party Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/14/08

06 Civ. 3990 (DC)

06 Civ. 4092 (DC)

~~PROPOSED~~ JUDGMENT

This matter having been remanded to this Court by the United States Court of Appeals for the Second Circuit, and the Court of Appeals having reversed, vacated, and remanded this Court's judgment for further proceedings consistent with its opinion,

NOW, on this 14th day of October, 2008, for the reasons stated in the opinion and judgment of the Court of Appeals, it is hereby ORDERED, ADJUDGED, DECLARED AND DECREED that:

1. The motions for summary judgment of plaintiffs, counterclaim-defendants and third-party defendants Twentieth Century Fox Film Corporation; Universal City Studios Productions LLLP; Paramount Pictures Corporation; Disney Enterprises, Inc.; CBS Broadcasting Inc.; American Broadcasting Companies, Inc.; NBC Studios, Inc.; The Cartoon Network, Inc. (formerly known as The Cartoon Network LP, LLLP); Cable News Network, Inc. (formerly known as Cable News Network LP, LLLP); Turner Broadcasting System, Inc.; Turner Network Sales, Inc.; Turner Classic Movies, Inc. (formerly known as Turner Classic Movies LP, LLLP) and Turner Network Television LP, LLLP (collectively, "Plaintiffs") are DENIED;


2. The motions for summary judgment of defendants, counterclaim-plaintiffs and third-party plaintiffs Cablevision Systems Corporation and CSC Holdings, Inc. ("Defendants") are GRANTED on the issues and grounds set forth in the opinion of the Court of Appeals:

a. Through operation of their proposed "Remote Storage DVR" ("RS-DVR"), Defendants would not directly infringe plaintiffs' exclusive right to reproduce their copyrighted works in copies or phonorecords under 17 U.S.C. § 106(1);

b. Through operation of their proposed RS-DVR, Defendants would not directly infringe plaintiffs' exclusive right to perform their copyrighted works publicly under 17 U.S.C. § 106(4).

3. Defendants having agreed to waive costs under Federal Rule of Civil Procedure 54(d)(1), each side shall bear its own costs.

SO ORDERED:



U.S.D.J.

Dated: New York, New York
October 14, 2008